

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHARLES SULLIVAN,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-2347

TIMOTHY KING, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant in part and deny in part Defendant PrimeCare Medical's Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 15), grant in part and deny in part Defendants Western Regional Jail and Timothy King's Motions to Dismiss (ECF No. 17), and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and Court **GRANTS in part and DENIES in part** Defendant PrimeCare Medical's Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 15), **GRANTS in part and DENIES in part** Defendants Western Regional Jail and Timothy

King's Motions to Dismiss (ECF No. 17), and **REMOVES** this matter from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 31, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE